

APPEAL NO. 030786
FILED APRIL 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 11, 2003. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on _____, does not extend to and include an injury to the left shoulder. The appellant (claimant) appealed, arguing that she proved beyond the preponderance of the evidence, that she sustained physical damage or harm to her left shoulder as a result of her injury of _____. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, does not extend to or include the left shoulder. That issue presented a question of fact for the hearing officer to resolve. The hearing officer specifically found that the medical records were insufficient to establish that the claimant sustained physical damage or harm to the left shoulder as a result of the incident which occurred on _____. The hearing officer was acting within her province as the fact finder in so finding. The hearing officer additionally noted in her Statement of the Evidence that the claimant's testimony that she injured her left shoulder was not persuasive or credible. Our review of the record does not reveal that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge